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## **Divided Loyalties: Civil-Military Relations at Risk**

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## **Divided Loyalties: Civil-Military Relations at Risk**

He tasted the dry grit of the cave air on his tongue. Minute particles of sand and rock still hung in the air from the last round of B-52 bombings. Creating a fog, the particles made it difficult to see more than a few feet into the gloom of the cave, even with the strong lights the Special Forces team carried with them. As his team crept deeper into the cave, Lieutenant Colonel John Smith heard the scrape of rock on rock. The sound came from in front of the team. Glancing at his men to ensure they, too, were aware of the threat ahead of them, he motioned them forward. His well-trained team moved fluidly in patterns honed by long practice. Rounding the corner, the team saw a lone man scrabbling to push himself into a niche that wouldn't have hidden a goat. Armed with nothing but his tongue, the man turned as the Special Forces team approached, cursing them, his face drawn into a rictus of hate. After securing the cave, the team left with the still-screaming man, none recognizing that the caves of Tora Bora had yielded one last treasure: an Egyptian physicist with knowledge of Al Qaeda's nuclear bomb making capability.

During interviews, the Egyptian reluctantly revealed an Al Qaeda conspiracy to assemble and detonate a nuclear device in the United States, but little more. In a desperate effort to extract more information, U.S. officials transported the physicist to allied Middle Eastern country, where authorities were not reluctant to use extreme measures in interrogation. Army Special Forces Lieutenant Colonel John Smith and a CIA officer accompanied the prisoner and witnessed the “interrogation.” Torture is illegal and contrary to a US military officer’s professional ethic, but this was an “extreme emergency,”<sup>1</sup> and millions of lives were at stake. The interrogators discovered that the nuclear device was to be detonated in New York City. The *conspirators*

were identified, tracked down, and apprehended. The crisis was averted, at least for the time being, and a US military officer served in an integral role.

It is now 2004 and the war on terror is winding down. The New York bomb perpetrators are awaiting trial. Unfortunately, an international human rights organization became aware of the torture of the Egyptian physicist. While investigating, they discover what they believe to be American “participation” in egregious human rights abuse in the Middle East. Charges ring out in Washington and Congress decides to hold hearings. During the Congressional inquiry LTC Smith’s name appears as a participant and Congress subpoenas him to testify. This is an election year and the issue is likely to inflame partisan political passions. Smith currently is a student at Air War College and since the incident has been promoted to colonel.

Upon arrival in Washington COL Smith was invited to the office of an extremely senior Army officer for some words of advice. The four-star general impressed upon him the gravity of the situation. The war is winding down. Popular support is waning. The economy is in shambles and the president’s “numbers” are way down. The pro-military President, who has fought a courageous and largely successful worldwide war against terrorism, is campaigning for reelection and can’t afford a scandal at this time. The challenger is likely to call for protracted investigations that will hurt the war effort and undermine the effectiveness of U.S. forces. The most senior leaders of the military strongly suggest that Smith conceal his role in the incident, by deliberate deceit if necessary.<sup>2</sup>

This hypothetical situation is designed to highlight a potential problem that continues to shadow civil-military relations in the United States: the conflict in appropriate loyalties. Loyalty is an oft-commended but frequently misunderstood concept in military circles. Service personnel are inculcated with an ethic of loyalty: to the chain of command, to subordinates, to

comrades, to the Service, to the country. However, these loyalties can sometimes be at odds. When loyalties conflict, military members, even at the most senior levels, are often at a loss as to which loyalty takes precedence. They find themselves testifying before Congress, torn between telling the whole truth or adhering to a “party line” that absolves the administration of error and incompetence. Or, they may face a choice that pits their loyalty to a subordinate against the policies of a senior civilian leader. This confusion of loyalties has always had serious consequences for the military as an institution, including loss of morale, diminished trust in the military by Congress and the American citizens they represent, and the inevitable loss of professional autonomy.

In this paper we focus attention on the topic of loyalty. Our aim is to generate discussion about the topic in forums both formal and informal. It is our contention that military leaders, particularly field graders and flag rank officers, face loyalty dilemmas for which training and experience have not prepared them. This is not a new phenomenon. An Air Force historian relates the reaction of then Air Force Chief of Staff General Ronald F. Fogleman to H.R. McMaster’s book *Dereliction of Duty*. In his book, McMaster details how the joint chiefs during the early days of the Vietnam crisis allowed President Johnson to misrepresent their views of the crisis to Congress, thus contributing to the nation’s decades long involvement in Southeast Asia. Fogleman’s comments to the historian are revealing:

There was the incredible performance of the joint chiefs at that time, and then seeing some of the things that were going on in the tank and now, maybe not on the same scale, but the same sickness ... service parochialism, the willingness to collectively go along with something because there was at least some payoff for your service somewhere in there ... a slippery slope.<sup>3</sup>

Fogleman calls attention to instances in which loyalty to the individual Service takes precedence over loyalty to the nation. We agree with Fogleman that the loyalty is misplaced and is bad for both the Service and the nation.

To illustrate some of the dilemmas and “fault lines” in military loyalties, we devised the scenario above and asked a variety of legal experts and ethicists to comment on it. Based on the responses, we’ll look at some of the legal boundaries that confine loyalties, and some of the ethical considerations that military leaders must be prepared to confront. Then, we’ll discuss why the military currently faces challenges in this area and make recommendations for how the military services can define an ethic of loyalty that serves the highest good. None of our recommendations will include a step-by-step guide to follow when confronted with loyalty dilemmas. We don’t purport to have easy answers because there are none. What we *will* do is raise some of the questions individuals need to ask themselves when arriving at their own answers to loyalty questions.

## **Legal Considerations**

I (full name) do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same, and that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

Officers’ Oath of Office<sup>4</sup>

The US military’s ethical standards may not be formally codified, but the legal foundations for military loyalty are clearly defined in an officer’s oath of office. The sources of loyalty for military officers can also be found in the officers’ commissioning letter and the Constitution. Here, officers pledge to “support and defend the constitution of the United States against all enemies....”<sup>5</sup> This pledge is not to the commander-in-chief, or to the service, although these

certainly do deserve and demand loyalty as well. The second pledge in the oath is to “well and faithfully discharge the duties of the office....” This pledge requires officers to carry out their jobs to the best of their ability. The pledge however, is fairly vague on what those duties are. Neither the oath nor the commissioning letter offer guidance to an officer torn between two legitimate, yet competing, loyalties, as COL Smith is in the scenario. The ultimate source of legal authority, the U.S. Constitution, both elucidates and complicates matters for officers.

Article II, Section 2, of the US Constitution designates the President as Commander in Chief of the armed forces of the United States. This places the President directly in the military chain of command, and is an essential feature in civilian control of the military. Because of this, COL Smith may feel he owes his primary loyalty to the President and his re-election hopes. Yet, Article I, Section 8, of the US Constitution gives Congress the power to provide for the common defense, and also to declare war, raise and support armies, and to make rules for the government and regulation of the armed forces. This division of responsibility between executive and legislative branches is one of the many checks and balances provided by the founding fathers in the Constitution. While this arrangement helps prevent abuse of power, it induces a potential loyalty dilemma: does the officer owe his or her primary allegiance to the Constitution and its principles or to the Commander in Chief? In the best of all possible worlds, the two would never be in conflict ... practical experience teaches otherwise, however.

In his book, *Moral Issues in Military Decision Making*, Anthony Hartle, Director of Philosophy at the US Military Academy, provides an analysis of the military connection to the Constitution. He claims that individual rights secured by law constitute the central value reflected in the Constitution. According to Hartle, these values are worth fighting for and the use of force in their defense is fully justified. Hartle also goes on to say, “When military members

pledge to the support and defense of the Constitution, they commit themselves, by logical extension, to the principles and values that form the basis of its provisions.”<sup>6</sup>

The commissioning of military officers is another source of legal support for the Constitution as the primary legitimate authority. The commission from the Commander in Chief states, “this officer is to observe and follow such orders and directions, from time to time, as may be given by me, or by the future President of the United States of America.” The requirement to follow orders also applies to those officers appointed over the subject officer. As Anthony Hartle contends, the fundamental law of the United States is the Constitution, and the commission confirms the supremacy of the Constitution in the commitment of military officers. Hartle goes on to say that if a President were to issue an unlawful order, military officers would be obligated to disobey it, and that this obligation derives its moral basis in the commissioning oath.<sup>7</sup> Can COL Smith interpret the general’s comments as an order from the President? If so, is an order to deceive Congress or lie to the American people a legal order? Consider the following instance of “necessary” and officially sanctioned lying. Military members involved in highly sensitive, classified activities may be given a cover story that conceals the true nature of their work and told to adhere to it. If it’s legal to direct a member to disseminate a cover story--lie--in the interests of national security, is it also legal to order an officer to lie in the scenario’s circumstances?

The military oath, Constitution, and commissioning letter combine to form the legal basis of commitment and loyalty for military members. From these it is clear the superior loyalty should be expressed in protecting the values reflected in the Constitution. Additionally, the Uniformed Code of Military Justice (UCMJ) and Law of Armed Conflict contain legal considerations of which an officer should be cognizant. Sometimes, though, as in the scenario above, an officer is

torn between two legitimate loyalties—the Army colonel legally owes loyalty to the Army Chief of Staff and President, but he also owes loyalty to the people (as represented by their elected members).

In our scenario, COL Smith is faced with the dilemma of deceiving Congress in order to protect the President, the military, and “the country” in an abstract formulation. The question becomes, what does the officer do? Let’s consider his legal options. He has legal obligations to the President through the Constitution and the Commissioning letter. He also has legal obligations to the Chief of Staff (service) because he is in the chain of command. Additionally, the officer has legal obligations to the Congress as the people’s representatives. The extreme pressures on senior leaders in the high stakes arenas of Service-level programming and budgeting, joint/international operations, and system acquisitions complicate the decision making process. So where does the officer owe his loyalty? Does Service come before the President because lives could be at stake, or because the service or profession could suffer irreparable damage? Does loyalty belong to the President because he is Commander in Chief? Or does loyalty go to the Congress as the embodiment of the people? What if Congress seems to be pursuing an agenda that undermines the security of the “people” it is supposed to represent? Do the values enshrined in the Constitution demand that an officer subordinate good judgment to the agendas of zealous Congresspersons? Clearly, legal boundaries alone cannot form the basis for the officer’s decision. Ethical considerations must also play a substantial part.

## **Ethical Considerations**

Colonel Lloyd Matthews, author of *The Parameters of Military Ethics*, points out that the military of the United States does not have an officers’ code of professional ethics that codifies professional behavior like the American Bar Association’s *Model Rules of Professional Conduct*

does, or the American Medical Association's *Principles of Medical Ethics* does.<sup>8</sup> Yet, each Service undertakes to inculcate an ethical standard within its officer corps. Focusing on "Duty, Honor, Country," the Army offers its incoming West Pointers the creed of selfless service. The Air Force and the other Services begin the task of teaching an ethical standard with the honor code taught at the service academies: "We will not lie, steal or cheat, nor tolerate among us anyone who does."<sup>9</sup> The ethical complexities of operating in the modern military, however, cannot be distilled into one-word sets of core values or one-sentence statements. Matthews alleges that such codes are "narrowly drawn, functionally derived principle statements conceived to meet the less complex ethical demands of cadets living in the unique garrison/baccalaureate environment of a Spartan society."<sup>10</sup> Where, when, and how, then, does the military officer learn a more nuanced and relevant military ethic, one that will govern his or her actions in the operational and strategic environments?

No clear answer to that question emerges. In part, the officer learns through experience, through observations of his or her seniors. Obviously, the lessons learned in this way may vary greatly and may lack a substantial grounding in the traditional political morality of the larger commonwealth. Formal education also plays a part, although the Services differ greatly as to how much ethical education an officer receives, what they teach, and at what point in a career it is offered. The canon of literature on military ethics is substantial, but by no means uniform. A body of works such as *The Uniform Code of Military Justice*, the *Code of Conduct*, the *Joint Ethics Regulation*, and other official documents, contains materials on ethical behavior for military professionals.

What, then, are the ethical parameters officers should use to guide their actions in the above scenario? One respondent, a military lawyer who has served on the National Security Council

(NSC) staff, states bluntly that the officer's primary loyalty in the scenario is to the American people. "You are sworn to protect them and their interests," he insists. "You have no other loyalty or obligation this great and none other that can intrude on this duty." As a mid-grade officer, this individual was directed by senior members of the U.S. government to engage in conduct that violated the Joint Ethics Regulation and the U.S. Code. He refused to follow what he believed to be unlawful orders and has continued successfully on active duty. In the hypothetical scenario, this lawyer argues that the senior Army general violated the *Uniform Code of Military Justice* by asking the officer to lie, even if he only did so implicitly. This military lawyer suggests that the officer in our scenario has a duty to expose the effort to get COL Smith to lie, as well as a duty to tell the whole truth to Congress during the hearing.<sup>11</sup> Air Education and Training Command's top lawyer, Colonel Charlie Dunlap agrees that COL Smith's duty extends to reporting the incident to the Inspector General.<sup>12</sup>

West Point's Hartle offers insights that pertain. In his critique of Oliver North's book, *Under Fire: An American Story*, he discusses North's testimony before Congress and insists that "the American military ethic holds that a professional soldier owes primary loyalty to the Constitution and the values it manifests."<sup>13</sup> Problems seem to arise when individuals attempt to transfer their understanding of that loyalty to a practical or operational situation. Oliver North argued that the Constitution appoints the President as the Commander in Chief and that during his involvement with Iran-Contra, he [North] was acting in line with the President's wishes and to protect the President. If the scenario's COL Smith adhered to the North model, he would lie to Congress, secure in the knowledge that he was protecting the President and, possibly, the military. Hartle, however, argues that North "lost sight of his loyalty to American institutions and the Constitution."<sup>14</sup> Hartle goes on to raise some questions, including the following:

- What moral guidance emerges from the professional military ethic that can and should be applied to officers seconded to other government agencies?
- Is there ever justification for an officer to lie?
- Given that an officer is willing to give his or her life for the nation, should the officer be willing to sacrifice honor as well?<sup>15</sup>

Dr James Toner, professor of international relations and military ethics at Air War College and author of *True Faith and Allegiance*, says that the officer should never compromise his or her personal moral code. He argues in an article for the *Marine Corps Gazette* that loyalty to institutions, persons, and self must yield to what he calls “transcendent values.”<sup>16</sup> The value in question in the scenario is truth. In our scenario, Toner insists that COL Smith’s loyalty to the truth, to integrity, must transcend his loyalty to the Army, the President, and even to the country. Smith doesn’t have the luxury of subjugating the need for integrity to the need to help maintain the Army’s image and funding, or the need to support the President’s reelection prospects. In an interview, Toner stated that, “The time you really need integrity as a core value is when you decide it’s waivable.”<sup>17</sup> Toner makes it clear that loyalty is a virtue that is necessarily dependent, contextual, and conditional. Loyalty to a military service will be the default position expected of military members; however, circumstances may arise which restrict or eliminate the service loyalty. “[Service personnel] must remember that before they are [marines, airmen, soldiers, sailors], they are Americans. If and when the values of the country clash with what a [military member] determines is an eternal value, the . . . first loyalty must be to ‘soul,’ as he chooses to define it. Except to God, loyalty is always given ‘up to a point.’”<sup>18</sup>

## **Loyalty and Today's Military**

Are loyalties frequently misplaced in today's military? Consider the following. In 2000, the Air Intelligence Agency investigated and subsequently disciplined several enlisted members of a Mobile Engineering, Alteration and Repair (MEAR) team for consistent and institutionalized fraud. MEAR teams consist of 9-14 members with various civil engineering skills (carpentry, electrical, etc.) who have top secret clearances. They travel internationally often to perform work on buildings and sites associated with sensitive functions. On one of these teams, the NCOs collectively decided to routinely falsify their travel vouchers by turning in receipts saying they'd stayed at an expensive hotel, while really lodging at a cheap hotel. Over the course of many months, the team members convinced newcomers to go along with this crime by playing on their sense of loyalty to the team.<sup>19</sup>

While one could argue that the above case represents an isolated instance of individuals perpetrating a crime, the institutionalization of fraud by the team suggests otherwise. Other examples of misplaced loyalties exist in all services. An Army lieutenant colonel reported that he and others in command positions felt pressured by the chain of command to report a high combat readiness status, even when their units were not combat ready.<sup>20</sup> Not too long ago, the US Naval Academy had to restructure its honor system and teaching of ethics because midshipmen asked to identify participants in a cheating scandal were choosing loyalty to "the team" (their classmates), over loyalty to the Academy or loyalty to the truth.<sup>21</sup> Instances of misrepresentations in the acquisition community abound, as the current case related to the V-22 Osprey indicates.<sup>22</sup> Military members regularly choose loyalty to their seniors, loyalty to their Service's needs, or, sometimes, loyalty to their own careers, over loyalty to transcendent values like integrity.

The Services complicate this by disseminating confusing messages about loyalty. The Air Force and Army appear to value “loyalty”; they evaluate their officers’ loyalty on officer performance/evaluation reports. Air Force supervisors rate a member’s Professional Qualities as does or does not meet standards and defines Professional Qualities as “Exhibits loyalty, discipline, dedication, integrity, honesty, and officership. Adheres to Air Force Standards. Accepts personal responsibility. Is fair and objective.”<sup>23</sup> Yet, among some 15 field-grade officers queried for this article, most have never been counseled or given feedback relative to their loyalty. Those that have been counseled were on the receiving end of pointed comments about adhering to the chain of command. Similarly, the Army also evaluates its members on loyalty, requiring a check for “yes” or “no” on its performance reports. One knowledgeable Army lieutenant colonel interviewed by the authors said that the evaluation for this block is usually based on the individual’s perceived loyalty to the supervisor.<sup>24</sup> Judging by informal discussions and responses to questions posed for this article, in both Army and Air Force, the concept of loyalty is widely taken to be nothing more than keeping your immediate superior “in the loop.”

The Air Force doesn’t mention the importance of loyalty at all in the publication that discusses its core values. It does, however, strongly advocate “faith in the system”:

To lose faith in the system is to adopt the view that you know better than those above you in the chain of command what should or should not be done. In other words, to lose faith in the system is to place self before service. Leaders can be very influential in this regard: if a leader resists the temptation to doubt “the system”, [sic] then subordinates may follow suit.<sup>25</sup>

The implication is that an officer owes his or her ultimate loyalty to the system (the Service), rather than to the country or transcendent values. Officers are taught from the moment they first put on a uniform that loyalty to teammates is inviolable. Admiral Bill

Owens, former Vice Chairman of the Joint Chiefs, laments the consequences of this approach. “Unfortunately, many military people are incapable of distinguishing between pride and blind loyalty to their specific military service. This attitude often is formed at the earliest moments of a military career (for example, the Army-Navy game rivalry).”<sup>26</sup> He goes on to document several instances of where this misplaced loyalty resulted in operational difficulties or failures.

The bottom line is that misplaced loyalties can, and often do, have serious consequences. The misplaced loyalties of a cadet or junior officer will probably only affect a handful of people. As officers rise in rank, however, the consequences of misplaced loyalties increase in scope and impact, as the earlier example about the Service chiefs and Vietnam illustrates. The military itself has fostered confusion about loyalty by inadequate training on the subject and by early emphasis on loyalty to the team. As officers progress through the ranks, they need to acquire a more sophisticated understanding of the complexities embodied in the concept of loyalty, one grounded in the civil-military ethics of the American republic.

COL Smith is likely unprepared by military education and experience to easily resolve his loyalty dilemma. He could take the approach General Fogleman advocates: look yourself in the eye every morning and ask, “Do I feel honorable and clean?”<sup>27</sup> Air University’s Toner also suggests a few questions to clarify Smith’s thinking. Smith should ask himself if a court martial would acquit him of wrong-doing or if his mother would be pleased by his actions or lack of action. Would Smith like to see his behavior plastered across the headlines or discussed on CNN every half hour?<sup>28</sup> If not, it should give him pause. These questions may seem simplistic, even hokey, but sometimes gut

instinct is the best barometer. In our estimation, COL Smith needs to tell the truth. Although he's presented with two legitimate claims on his loyalty—loyalty to the Army and President versus loyalty to the Congress and the Constitution—expressing his loyalty to the former would require him to sacrifice his integrity and lie. Telling the truth is Smith's best way of maintaining loyalty to himself, the Army, and the nation, even if it costs him his career. And as Colonel Charles Dunlap, Air Education and Training Command's Judge Advocate General, points out, "military people are expendable in a just cause. Disclosing information to legislators under the right circumstances, [as in the scenario], is simply part of the democratic process the U.S. military exists to defend."<sup>29</sup> Sometimes an officer is called upon to sacrifice his comfort or career rather than his life. In our estimation, it's an extremely rare instance in which an officer can sacrifice personal integrity and still make the right choice.

## **Recommendations**

To better prepare future senior leaders to deal with the loyalty issues that will confront them at higher ranks, the services should include substantial, tiered education paired with mentorship on this subject. The underlying loyalty lessons at the cadet and officer candidate level probably are appropriate for those just entering the military. It is essential that new members develop loyalties to their comrades and the team. It is unlikely that one could truly internalize lessons about loyalty to higher, abstract concepts, without first committing to loyalty to a team or person other than self. The Naval Academy has gone a couple of steps further in its loyalty education since the cheating scandal of 1992. Midshipmen are required to visit the Holocaust Museum where they "can see first hand what can happen when misplaced loyalty, blind obedience, and a lack of concern for

human dignity are taken to the extreme.”<sup>30</sup> Discussions on the implications of the oath of office are also important prior to commissioning.<sup>31</sup> However, starting at the junior captain level, the discussion of loyalty should advance to consider case studies where officers are torn between loyalty to individuals or teams (their squadrons) and loyalty to institutions (their Services). Officers should be encouraged to reflect on the various nuances of loyalty and to write or speak on the topic. Perhaps a loyalty essay contest could be developed. Strategy essay contests abound. Surely, ethics is as important to the military professional as strategy?

At the intermediate service school (ISS) and senior service school (SSS) levels, lessons on loyalty and ethics should comprise a larger portion of the curriculum. The AY 2001-2002 Air War College core curriculum, for instance, has only one lesson exclusively dedicated to the topic. As students grapple with the intricacies of operational art and the complexities of joint environments and the interagency, they also need to think about how they will be pulled in different directions by competing loyalties. More case studies and seminar discussion present the best opportunities for increasing officers’ awareness of loyalty issues at this level.

As an additional mechanism for helping members understand the different kinds of loyalty, we recommend all the Services develop a “loyalty hierarchy” like that of the Marines have. The Marines teach that loyalty belongs to God-Country-Corps, in that order. Self, one presumes, would come after loyalty to the Service. This construct is helpful because it does not at all diminish the value of loyalty to the Service and to the country. It merely helps the individual prioritize between them if the need arises.

And senior leaders can count on the fact that the need will arise. Their loyalties will be tested and torn. They will have to decide between two “rights” and the consequences of getting it wrong will be huge. How the Services train, educate, and mentor them from before commissioning to the attainment of the highest ranks will significantly impact the decisions they make. As James Toner so rightly points out, “Sorting out our multiple loyalties and fulfilling our obligations to honesty are not always easy tasks.”<sup>32</sup> If the Services can’t get this right at the most senior level, they will damage the profession of arms from within as junior officers become increasingly disillusioned about their leaders. Equally important, without an orientation toward the “highest good,” we will never transcend the Service parochialisms that fetter decisionmaking and effect the transformation our military so desperately needs.

## Notes

<sup>1</sup>The concept of “supreme emergency” comes from the writings of the pacifist ethicist Michael Walzer (see *Just and Unjust Wars: A Moral Argument with Historical Illustrations*). He contends that even though it is wrong to do evil (i.e., torture a prisoner) in order to achieve a “good” end, sometimes the conditions or circumstances of war may become so dire (the Holocaust, for instance) that it constitutes a “supreme emergency.” In a supreme emergency, it is sometimes necessary to contravene the conventions of war in order to defeat the greater evil.

<sup>2</sup>Our purpose in this paper is to discuss loyalty issues. To that end, we are not discussing the rights or wrongs of the lieutenant colonel’s presence at the physicist’s torture or debating the issue of torture itself. Case law on the issue of terrorism is still immature, and some legal experts, including Colonel Margaret McCord, suggest that individuals captured in circumstances similar to those outlined above could be considered criminals and not granted prisoner of war status. We deliberately made the individual a non-uniformed, non-combatant citizen of a nation allied with the United States.

<sup>3</sup> Qtd in Richard H. Kohn, “The Early Retirement of Gen Ronald R. Fogleman, Chief of Staff, United States Air Force,” *Aerospace Power Journal*, Spring 2001, 9.

<sup>4</sup> United States Military Officer’s Oath of Office

<sup>5</sup> Ibid.

<sup>6</sup> Anthony E. Hartle, *Moral Issues In Military Decision Making*, Lawrence: University Press of Kansas, 1989, 44.

<sup>7</sup> Ibid.

<sup>8</sup> Lloyd J. Matthews, Col (Ret), “The Evolution of American Military Ideals,” *Military Review*, Jan/Feb 1998, 4, available at [www.cgsc.army.mil/milrev/English/JanFeb98/matthews.htm](http://www.cgsc.army.mil/milrev/English/JanFeb98/matthews.htm).

<sup>9</sup>United States Air Force Academy Honor Code

<sup>10</sup> Ibid.

<sup>11</sup> E-mail response to scenario dtd 2 Jan 2002 by individual who wishes to remain anonymous.

<sup>12</sup> E-mail interview with Col Charlie Dunlap, 24 Jan 02.

<sup>13</sup> Hartle, 33.

<sup>14</sup> Ibid., 36.

<sup>15</sup> Ibid., 30.

<sup>16</sup> Toner, 48.

## Notes

<sup>17</sup> Interview with Dr James H. Toner, 4 Jan 02.

<sup>18</sup> Toner, 53.

<sup>19</sup> Personal recollection of one of the authors who was commander of a squadron with administrative responsibility for one of the MEAR team's during the investigation and punishment.

<sup>20</sup> Interview with Army O-5 who wishes to remain anonymous, 8 Jan 02.

<sup>21</sup> The 1992 cheating scandal at the United States Naval Academy involved 134 midshipmen and resulted in the expulsion of 24 midshipmen. Of the 134 midshipmen involved in the cheating, the Inspector General identified some as being responsible for buying and selling the exam, some as using crib notes to cheat in the examination room, and some as lying to investigators about their knowledge of cheating by other midshipmen. (See Paul Valentine, "Two Dozen Expelled in Naval Academy Cheating Scandal," *The Washington Post*, 29 April 1994, 114.24: 2.) Admiral Charles Larson, the man charged with "fixing" things at the Academy post-scandal, says some kinds of loyalty are "bad." "Loyalty is a bad quality," he says, "when interpreted to mean—as it was by some midshipmen during the cheating scandal—protecting friends who have done something wrong." (See "Loyalty: Good and Bad Kinds," available at [www.humanismbyjoe.com/Loyalty\\_Types.htm](http://www.humanismbyjoe.com/Loyalty_Types.htm)).

<sup>22</sup> The Pentagon's Inspector General released a report in July 2001 documenting that a Marine Corps commanding officer, Lt Col O. Fred Leberman, ordered Marines to falsify important records on the V-22/Osprey program. The report also found that a number of more junior officers knew about the falsifications and failed to report them. The report further noted that two Marine generals were aware of the V-22 readiness data and misrepresented it at a Pentagon press conference. Finally, the IG concluded that "the falsification was the result of pressure perceived by the squadron commander as coming from his superiors." See John R. Guardiano, "Pentagon Reorganizes Osprey Program, Marines Weigh Inspector General Report," *Rotor and Wing*, Aug 2001, available at [www.Aviationtoday.com/reports/rotorwing/previous/0801/0801rorep.htm](http://www.Aviationtoday.com/reports/rotorwing/previous/0801/0801rorep.htm).

<sup>23</sup> AF Form 707A, Field Grade Officer Performance Report (MAJ thru COL).

<sup>24</sup> Interview with LTC Kinard La Fate, 15 Jan 02.

<sup>25</sup> United States Air Force Core Values, 1 January 1997, 4.

<sup>26</sup> Bill Owens, Adm (Ret), "Introduction to *Lifting the Fog of War*," in *Air War College Leadership and Ethics Syllabus and Readings, Book 2*, 310.

<sup>27</sup> General Fogleman qtd in Kohn, 19.

<sup>28</sup> James H. Toner, "Loyalty," unpublished article, n.d., 9.

<sup>29</sup> Email interview with Colonel Charles Dunlap, AETC/JA, 23 January 2002.

<sup>30</sup> Admiral Charles R. Larson qtd in "Loyalty: Good and Bad Kinds," available at [www.humanismbyjoe.com/Loyalty\\_Types.htm](http://www.humanismbyjoe.com/Loyalty_Types.htm).

<sup>31</sup> All the Services probably have education efforts explicitly or peripherally related to loyalty that aren't mentioned here or that didn't come to light in our research. We contend, however, that a more systematic, standardized approach to loyalty education would benefit the entire military community.

<sup>32</sup> James H. Toner, "Paene Semper Fidelis," *Marine Corps Gazette* 82, no. 11, (November 1998): 1.

## ***Bibliography***

AF Form 707A, Field Grade Officer Performance Report (MAJ thru COL).

Guardiano, John R. "Pentagon Reorganizes Osprey Program, Marines Weigh Inspector General Report," *Rotor and Wing*, Aug 2001, On-Line. Internet, 15 January 2002. Available from <http://www.Aviationtoday.com/reports/rotorwing/previous/0801/0801r0rep.htm>.

Hartle, Anthony E., *Issues In Military Decision Making*, Lawrence: University Press of Kansas, 1989.

"Loyalty: Good and Bad Kinds," 14 January 2002, n.p. On-Line. Internet, Available from [http://www.humanismbyjoe.com/Loyalty\\_Types.htm](http://www.humanismbyjoe.com/Loyalty_Types.htm).

Matthews, Col (Ret) Lloyd J., "The Evolution of American Military Ideals," *Military Review*, Jan/Feb 1998, 16 January 2002. Available from [www.cgsc.army.mil/milrev/English/JanFeb98/matthews.htm](http://www.cgsc.army.mil/milrev/English/JanFeb98/matthews.htm).

Owens, Adm (Ret) Bill, "Introduction to Lifting the Fog of War," in *Air War College Leadership and Ethics Syllabus and Readings, Book 2*.

Toner, James H. "Paene Semper Fidelis," *Marine Corps Gazette* 82, no. 11, (November 1998): (48-55).

Toner, James H., "Loyalty," unpublished article, n.d..

United States Air Force Core Values, 1 January 1997.

Valentine, Paul, "Two Dozen Expelled in Naval Academy Cheating Scandal," *The Washington Post*, 29 April 1994, 114.24: 2.